The Solicitors' Journal
and Weekly Reporter.

(*ESTABLISHED IN 1857.*)

LONDON, OCTOBER 5, 1918.

ANNUAL SUBSCRIPTION, WHICH MUST BE PAID IN ADVANCE: £1 10s.; by Post, £1 12s.; Foreign, £1 14s. 4d.
HALF-YEARLY AND QUARTERLY SUBSCRIPTIONS IN PROPORTION.

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All letters intended for publication must be authenticated by the name of the writer.

GENERAL HEADINGS.

Current Topics.

The British Red Cross Society.

WE ARE glad to call attention to the advertisement on another page inviting London solicitors especially to subscribe to the fund now being raised in London from their profession for the British Red Cross Society. All trades and professions in London are making a like appeal, and we do not suppose that solicitors will be behindhand. Every effort should be made to enable the Lord Mayor to realize the seven figures he hopes for, so that the figures of last year may be exceeded. The needs are great, and we have no doubt subscriptions will be proportionately great.

Solicitors and the Re-opening of the Courts.

THE RE-OPENING of the Courts is appropriately marked by a certain amount of ceremonial. The administration of the law, though, as we frequently urge, it should be businesslike, is not a mere business, but rests upon fundamental principles of morals and of State sovereignty. "*Juris prudentia*," as JUSTINIAN'S Digest says in its opening passage, "*est divinarum atque humanarum rerum notitia, justi atque injusti scientia*"; and "*Juris præcepta sunt hæc: honeste vivere, alterum non laedere, suum cuique tribuere.*" These are the abstract principles which the Courts, either under the common law or equity, or in accordance with statutory guidance, translate into concrete rules, and it is fitting that the judges and other ministers of the law should take a lofty view of their functions, and emphasize it in a way that appeals to themselves and the public. But why, as our correspondent, Mr. RICHARD KING, points out in a letter which we print elsewhere, do solicitors have no appointed part in these ceremonials? If judges and counsel form two classes of the legal ministry, solicitors form an equally necessary, and perhaps as important, third class. Their inclusion seems to be essential to make the representation of the law complete.

An Increase of Price.

WE HAVE to announce, with regret, that as from the commencement of our next volume—19th inst.—the price of THE SOLICITORS' JOURNAL will be raised to 1s. The reason may be the decline in the value of money or the rise in the cost of paper and printing. This is an economical question upon which we prefer not to dogmatize. We have to ask our subscribers to accept the fact that the increase is necessary if we are to continue to give the various matters which our pages are accustomed to contain. We have attempted—we hope not without success—to adapt ourselves to war conditions, and to present from week to week in orderly form such portions of current war orders as are likely to be useful in practice. We have also endeavoured to make our pages a record of various

matters of international importance which are either interesting at the moment or bear upon the ultimate settlement. And at the same time we have furnished, so far as conditions permit, our usual reports of cases and discussions of matters of legal interest. We think it better to continue on these lines, even at an increase in price, rather than to sacrifice our utility by materially reducing the size of our weekly issue.

The Roumanian Treaty.

WE SUMMARIZED some months ago the treaties which were made early in the year between the Central Powers and Russia and the neighbouring countries (*ante*, pp. 546, 564). These were the Ukraine Treaty of 9th February, the Brest-Litovsk Treaty with Russia of 3rd March, the Treaty between Germany and Finland of 7th March, and the Roumanian Treaty of 7th May. The hardest of all these treaties seems to be that with Roumania, and observations on it by the Allied Ministers at Jassy were issued recently as a Parliamentary Paper [Cd. 9102]. The conclusion will be interesting to quote:—

> To sum up, Germany, by the treaty she has imposed on Roumania, has cynically ignored her own declarations. This treaty provides for the spoliation of the public lands, for the scarcely concealed annexation of the whole country, and, after the peace, for its barbarous exploitation, and for the draining of its resources to the profit of the conquerors; it turns Roumania into a veritable convict settlement, where the entire population is condemned to hard labour for the benefit of the conquerors. It is a fair example of a German peace. We should consider it all the more closely, inasmuch as the German delegates informed the Roumanian delegates, who were appalled at being required to accept such conditions, that they would appreciate their moderation when they knew those which would be imposed on the Western Powers after the victory of the Central Empires.

The Bulgarian Agreement.

THE ABOVE observations are dated 16th May. The position has now been fundamentally altered, and although there is as yet no new treaty to be recorded, the conclusion of the agreement under which Bulgaria ceases to be a belligerent marks, it seems safe to say, a very definite step towards the end of the war. The terms of the agreement so far as at present available include:

> (1) Immediate evacuation of the territories still occupied by Bulgarians in Greece and Serbia; no cattle, cereals, or provisions to be exported from such territories, which must be left undamaged; the Bulgarian civil administration to continue in the parts of North Bulgaria occupied by the Allies;
> (2) Immediate demobilization of the Bulgarian forces;
> (3) Surrender of arms, munitions, and vehicles, which are to be stored under the control of the Allies, and of horses, which are to be handed over to the Allies; and
> (4) Bulgarian prisoners in the East shall be employed by the Allies until the peace, while the Allied prisoners in Bulgaria are to be immediately released.

Under the Roumanian Treaty referred to above Bulgaria received a part of the Dobrudja, and a further part of the Dobrudja up to the Danube was ceded to the Central Powers. At present no treaty or rearrangement of territory appears to be under discussion; but it can hardly be doubted that the revision of the Roumanian Treaty will be an essential part of the work of the general Peace Congress when, in due time, it is held.

Stonehenge.

WE ARE glad to see the announcement that Stonehenge has been presented to the nation. It is included, under the title "The group of stones known as Stonehenge," in the Schedule to the Ancient Monuments Protection Act, 1882, and thereby the owner was empowered to constitute the Commissioners of Works its guardian, with the duty of maintaining it; but we are not aware that this step was ever taken by the former owners, the ANTROBUS family. It will be remembered that in 1905 an attempt was made in *Attorney-General* v. *Antrobus* (1905, 2 Ch. 188) to establish a public right of access; but FARWELL, J., decided against the claim on the ground that no public right of way to a monument of the kind could be acquired by user. "Considering," he said, "the unique character and great archæological interest of Stonehenge and its position on downs where no harm is likely to be done to the land, it is most improbable that permission to visitors to inspect would have been ever refused, and as the right of walking round and inspecting the stones is not one which could be the subject of a grant, the owner may well have dispensed with requests for permission, relying on the fact that no right could grow thereout." In 1915 the monument was bought by Mr. C. H. E. CHUBB, of Salisbury, for £6,600; he has now offered it to the Commissioners of Works, by whom it has been accepted. The transfer will no doubt be made under section 4 of the Act of 1882, under which any person may by deed or will give the Commissioners of Works all such estate as he has in any scheduled monument, and the Commissioners may accept such gift if they think it expedient to do so. Under section 5 of the Ancient Monuments Protection Act, 1900, the public are to have access to any monument of which the Commissioners of Works are the owners or guardians, but where they are guardians only with the consent of the owner of the monument, at such times and under such regulations as the Commissioners prescribe. Thus the present gift ensures the right of public access, and, it may be hoped, ultimately without fee, though the donor has expressed a wish that the existing income shall be maintained during the war and handed to the Red Cross Society.

The Seaside and the Public.

ANOTHER ITEM of interest with respect to the acquisition of property of public interest is the announcement that the Dodman, a headland which is one of the chief features of the coast near the Lizard, has been bought for the National Trust for Places of Historic Interest or Natural Beauty. It was, we read, included in the properties of Lord MOUNT-EDGCUMBE which were sold by auction last week, and was purchased for the public benefit for £1,400 by a purchaser who wishes to remain anonymous. It is stated that arrangements will at once be made by the National Trust for looking after the property and making it available to the public. It is an ideal, difficult of attainment, perhaps, but which may well be kept in view, that the whole of the coast line of the country should be open to the public. If *Brinckman* v. *Matley* (1904, 2 Ch. 313) had been differently decided there would have been an approach to this ideal being realized. There a right of way to the sea was claimed for the purpose of bathing, but it was held that no such general right could be established, whether the foreshore was the property of the Crown or of a private owner. ROMER, L.J., who was a member of the Court of Appeal which upheld the judgment of BUCKLEY, J., said he had listened most sympathetically to the arguments in favour of the right, but as a judge he was bound to decide against them. Every explorer of seaside beauties will remember stretches of coast where he is bound to leave the sea—disappointed, it may be, in his desire to visit some attractive headland—and to take an inland route. No doubt, by permission or without, the disappointment can usually be avoided, but this is not always the case.

Maternity and Child Welfare.

AN INTERESTING article on recent legislation affecting mothers and children, by Mr. PERCY ALDEN, M.P., under the title of "The State and the Child," is contained in the *Contemporary Review* for September. We referred last week to two such Acts of last Session—the Maternity and Child Welfare Act and the Education Act—and we suggested that the former Act would not be allowed to hinder the fuller project of the creation of a unified Public Health Department. But meanwhile it confers, as Mr. ALDEN points out, powers which can be put to extensive use. All effort of this nature is based on the fact that there is at present much waste of infant life. The death rate of infants among the working classes is, we are told, approximately, one in four, amongst the middle classes one in six, and in the upper classes one in ten or twelve. By the Notification of Births (Extension) Act, 1915, powers were conferred on local authorities to make provision for the care of expectant mothers, nursing mothers and young children. These are repeated in clearer terms by the recent Act, and for "young

children" there is substituted "children who have not attained the age of five years, and are not being educated in schools recognized by the Board of Education" (section 1). By section 2 local authorities are required to establish maternity and child-welfare committees, to whom matters under the Act of 1915 and this Act will be referred, and to whom the powers under the Acts may be delegated, except the power of raising a rate or borrowing money. Mr. ALDEN summarizes the effect of the Act as follows: "The Local Government Board, combined with the local authorities and the voluntary agencies, can now secure that no mother shall be neglected at the critical period of her life, and that no infant, however poor, shall be allowed to die or grow up diseased from lack of care and attention at birth." The State is undertaking great and praiseworthy tasks, but it will be necessary to secure that, while infants thrive under State protection, adults do not manage to evade their proper individual responsibilities.

Counsel's Clerks' Fees.

WE PRINT elsewhere a letter from Mr. G. B. ELLIS containing information as to opinions given by the late Lord ALVERSTONE when, as Sir RICHARD WEBSTER, he was Attorney-General, with regard to the scope of the scale of counsel's clerks' fees under R.S.C., ord. 65, r. 27 (51). According to the note appended to the scale in the Annual Practice (1918, p. 1294), the scale is "exhaustive," and applies to all cases, including Lands Clauses cases, and this would seem to follow from the prefatory words of rule 27: "The following special allowances and general regulations shall apply to all proceedings and all taxations in the Supreme Court of Judicature." Hence when taxation is required in Lands Clauses cases and arbitrations, the scale applies, since such taxation takes place in the taxing masters' office; and it would seem that even when taxation is not required the same principle should apply, although the costs are not incurred in proceedings in the Supreme Court. Sir RICHARD WEBSTER'S opinions were, it seems, against this view, but they were given a good many years ago, and it may well be that the analogy of rule 27 (51) has by this time been in practice accepted.

The Relief of Under-Lessees Against Forfeiture.

THE decision of MCCARDIE, J., in *Hurd* v. *Whaley* (1918, 1 K. B. 448) places a very reasonable construction upon the *dictum* of LOPES, L.J., in *Imray* v. *Oakshette* (1897, 2 Q.B. 218, at p. 225), with respect to granting relief against forfeiture to under-lessees under section 4 of the Conveyancing Act, 1892. "It is a relief," he said, "which ought to be given with caution and sparingly. It is exceptional. It could not be given to the lessee. It materially affects the interests of lessor and lessee. Before asking for it the under-lessee ought to be in a position to prove that he is blameless and exercised all those precautions which a reasonably cautious and careful person would use."

It may be convenient to recall the state of the provisions for relief under the Conveyancing Acts, 1881 and 1892, with respect to which these words were used. Section 14 of the Act of 1881 allows relief against forfeiture for breach of covenant, but this is subject to exceptions. Relief is not permitted to the lessee against forfeiture occasioned by a breach of a covenant against assigning or under-letting, or against forfeiture upon bankruptcy or execution; moreover, the section does not affect the law relating to relief against forfeiture for non-payment of rent, as to which the statutory provisions are contained in the Common Law Procedure Acts, 1852 and 1860; and the restriction upon relief against forfeiture on bankruptcy or execution has been relaxed by section 2 (2) of the Conveyancing Act, 1892.

The relief under section 14 of the Act of 1881 was available, however, only for the lessee, and if he did not avail himself of it, an under-lessee was left subject to the forfeiture of the head lease, and therefore of his own interest: *Burt* v. *Gray* (1891, 2 Q. B. 98); *Nind* v. *Nineteenth Century Building Society* (1894, 2 Q. B. 226). Hence the Act of 1892 extended the relief against forfeiture to under-lessees by providing that where a lessor was proceeding by action or otherwise to enforce a forfeiture under any covenant in a lease, the Court might, on the application of an under-lessee, make an order vesting the whole term or any less term in the under-lessee upon such conditions as the Court should think fit; but the under-lessee was not to be entitled to require a lease to be granted to him for a longer term than he had under his sub-lease. This section did not refer to any of the restrictions on granting relief which are imposed by section 14 of the Act of 1881, and the question arose whether it was merely ancillary to that section, so as to be read with it and be subject to the same restrictions, or whether it was an independent provision, and free from those restrictions. The latter view was taken by CHARLES, J., in *Cholmeley School, Highgate* v. *Sewell* (1894, 2 Q. B. 906), and subsequently by the Court of Appeal in *Imray* v. *Oakshette* (*supra*). Hence, in the former case relief against forfeiture on the bankruptcy of the lessee, and in the latter case relief against forfeiture for breach of a covenant against under-letting without consent, was granted to the under-lessee. "I come to the conclusion," said RIGBY, L.J., "that section 4 was deliberately intended to be a parallel section, and that the discretion given to the Court involves a power (in very exceptional cases, I agree) to give relief to an under-lessee even against forfeiture arising from a breach of a covenant not to assign." Similarly, relief can be given to an under-lessee under the Act of 1892 from forfeiture for non-payment of rent: *Gray* v. *Bonsall* (1904, 1 K. B. 601).

Thus RIGBY, L.J., as well as LOPES, L.J., assumed that the new relief allowed to the under-lessee against forfeiture for breach of covenant, without any of the restrictions applicable in the case of the lessee, was to be allowed only on special grounds and in exceptional cases, though why the Court made this assumption it is difficult to say. There seems nothing to justify it in the terms of the Act of 1892. These allow the relief to be granted quite generally, and it is for the Court to exercise its statutory discretion without introducing considerations adverse to the under-lessee which the Legislature has not suggested, though see *per* PARKER, J. in *Matthews* v. *Smallwood* (1910, 1 Ch. 777, at p. 797). But while, in view of the above decisions, this argument is now useless, there is no reason for pressing them further than they legitimately extend, and in *Hurd* v. *Whaley* (*supra*) MCCARDIE, J., has held that they do not apply to a case where the under-lessee is only asking for relief which might have been granted to the lessee. In this case the claim was for relief against forfeiture for breach of the covenant to repair contained in the head lease. A similar covenant was contained in the under-lease, and both lessee and under-lessee had committed breaches of the covenants binding them respectively. It was argued that, under these circumstances, the under-lessee was not "blameless," as required by LOPES, L.J., in *Imray* v. *Oakshette* (*supra*). But in *Matthews* v. *Smallwood* (*supra*) PARKER, J., treated the argument in *Imray* v. *Oakshette* (*supra*) as applying only to cases where the lessee himself could not obtain relief, and MCCARDIE, J., took the same view. Relief to a lessee for breach of covenant implies that there has been negligence on his part, but it is impossible to exclude him from relief on the ground of his negligence; and similarly where the under-lessee is applying for relief which could be given to the lessee. That he has himself been negligent does not exclude him from relief. He is only treated as being in an exceptional position, and required to come "with clean hands," when he is asking for relief to which the lessee has no claim under the Act of 1881.

At the meeting of the Insurance Committee for the County of London on 26th September, says the *Times*, a recommendation by the General Purposes Sub-Committee was carried again urging on the Government the introduction at the earliest possible moment of a Bill for the establishment of a Ministry of Health, so framed as to secure that the new Ministry should be independent of any existing Government Department, and that its work should be freed from the administration of the non-medical side of the Poor Law. Sir Kingsley Wood said that he had good reason to believe that the Government would bring in such a measure at the beginning of the next Session of Parliament.

Solicitors' Cases of the Past Year.

ALTHOUGH the cases specially relating to solicitors have not been very numerous or very important during the judicial year, there are some of considerable interest to which it may be useful to draw attention. As usual, the principal subject dealt with in these cases is the question of costs.

The first case to be noticed is *Re Becket* (1918, 2 Ch. 72), where a solicitor retained by the plaintiffs to conduct an action employed another solicitor named LEWIS to do the work, not as his agent, but as the plaintiffs' solicitor. The action was compromised, one of the terms being that the plaintiffs should bear their own costs. Two years afterwards the plaintiffs discovered for the first time that LEWIS had acted for them in the action, and he now claimed payment of his costs by the plaintiffs. The Court of Appeal held that LEWIS had no authority for conducting the action as solicitor for the plaintiffs, and that, there being no ratification, he was not entitled to payment of his costs by the plaintiffs. The facts of this case are somewhat novel, but the law is plain. There was and could be no retainer of LEWIS by the plaintiffs, since they were unaware of his existence. They could not therefore be liable for his costs on the ground of authority, and this was an *a fortiori* case, because not even a country solicitor can authorize his town agent to bring an action in the name of the town agent alone as solicitor for the plaintiff, and in the present case both were London solicitors. Another ground put forward in support of the claim was adoption of the work and ratification, but, as was pointed out in the Court below, it would be very difficult to hold that the plaintiffs had adopted the work done by LEWIS simply because they compromised the action which was improperly brought by him. The decision with regard to ratification is perhaps not altogether satisfactory, but the case is useful as drawing attention to the limitations imposed on the employment of one solicitor by another.

Another case with regard to costs is *Jones & Son* v. *Whitehouse* (62 SOLICITORS' JOURNAL, 604), which decided that, where a client has allowed the twelve months to elapse without applying for taxation, and there are no special circumstances entitling him to taxation under section 37 of the Solicitors Act, 1843, he is not entitled to have the whole bill taxed; but if he is able when sued on the bill to point out certain items as being apparently unreasonable, the Court may still under its general jurisdiction order such items to be inquired into. In the present case the solicitors took out a summons for leave to sign final judgment under order 14, and the defendant made an affidavit alleging generally that the charges were excessive and objecting in particular to three items, but the Court held that no reasonable ground had been shewn for contesting the items, and refused leave to defend. The principle of the decision is not new, having been previously laid down in *Re Park* (41 Ch. D. 326), but the case, as PICKFORD, L.J., said, raises an unusual point in regard to order 14.

The next case is *Re Brown, Wace* v. *Smith* (62 SOLICITORS' JOURNAL, 487), which decided the short point that profit costs being a legacy must abate with the other legacies in the case of an insufficient estate. This was only the logical outcome of *Re White* (1898, 2 Ch. 217) and other cases, but it came as something of a surprise to the profession, which, not without reason, had been accustomed to regard profit costs as more in the nature of remuneration than as pure bounty, and we doubt whether profit costs previous to the decision had in practice been generally abated. We made some observations on this case (*ante*, p. 482) at the time when it was decided, and we need not further allude to it here.

Another trustee-solicitor case is *Bruty* v. *Edmundson* (1918, 1 Ch. 112), in which the Court of Appeal held that where unfounded charges of misconduct are made against a solicitor-trustee who is a defendant in an action to set aside the settlement, he is entitled to the costs of briefing two counsel in his defence, although no claim for relief is made against him personally and he is sued only as a trustee. This is a case of some importance, but it seems to apply to trustees generally rather than to solicitors specially.

We now turn to what is perhaps the most notable case of the year, namely, *Welsh* v. *Roe* (62 SOLICITORS' JOURNAL, 269), which raised an important point of law as to the authority of a solicitor to compromise his client's claim, concerning which, MCCARDIE, J., said the authorities seemed to be ambiguous and the *dicta* uncertain. The facts of the case need not be gone into; it is sufficient to state that the plaintiff alleged that the compromise had been effected without his consent and contrary to the authority of his solicitor, the main point in dispute being whether the client had placed any limitation on his solicitor's power to compromise. MCCARDIE, J., in a very instructive judgment, which he prefaced by saying that it was not desirable that the legal position should be in doubt, stated his view of the law. It is clear, he said, that a solicitor cannot compromise a claim before writ, even though he be retained to bring an action in respect of it, unless he has actual authority for so doing; but when once an action has been commenced, he has an implied general authority to compromise the action, and the client cannot avail himself of any limitation by him on such implied authority unless it has been brought to the notice of the other side. The application of the rule is of course safeguarded in several ways. If the compromise is collusive it is void, or if negligently made it may be the subject of an action for negligence. Moreover, the Court may, if justice requires it, decline in a special case actively to assist the enforcement of a compromise which, as in *Neale* v. *Gordon Lennox* (1902, A. C. 465), ought not to be sanctioned. In the present case the learned Judge said that even if there had been a limitation by the plaintiff of his solicitor's authority, he was satisfied that no such limitation was ever brought to the attention of the defendant, and he dismissed the action to set aside the compromise, with costs. This is a very useful addition to the cases on the subject, and well merits the attention of all solicitors engaged in litigation.

The remaining cases are of minor interest, and may be briefly noticed. In *Edgelow* v. *MacElwee* (1918, 1 K. B. 205) it was held that a person who, while *bona-fide* carrying on the business of a solicitor, makes a practice of advancing money to clients and others, must be registered under the Money-lenders Act, 1900, unless his primary object in lending the money is to maintain or increase his professional business and earn professional fees. In *Kinnell & Co.* v. *Harding & Co.* (62 SOLICITORS' JOURNAL, 267) it was decided that a company incorporated under the Companies Consolidation Act, 1908, may lawfully employ an agent who is not a solicitor to institute proceedings in the county court and file the necessary præcipe on its behalf, and, with the leave of the Judge, to represent it in Court. The last case, *Re A Solicitor* (62 SOLICITORS' JOURNAL, 351), need only be referred to as illustrating what amount of professional misconduct is required to justify the Court in striking a solicitor off the rolls as compared with the amount required to justify suspension.

Correspondence.

Counsels' Clerks' Fees.

[*To the Editor of the Solicitors' Journal and Weekly Reporter.*]

Sir,—I frequently have cases which are outside the Rules of the Supreme Court, and occasionally (but not always) counsel's clerks have asked for five per cent. on counsel's fees in lieu of the fees specified in the Rules. I have looked into the matter, and it might be of interest to the profession to have the decision of the Attorney-General (Sir Richard E. Webster) in 1888 as to clerk's fees in arbitrations under the Lands Clauses Act of 1845. The Attorney-General wrote: "In reply to your letter of 13th June, 1888, I believe that in compensation cases the practice has been to pay the clerk's fees on the old scale of five per cent. In terms Rule 51 of Order 65 does not apply to them."

A similar question arose as to arbitrations under the Railway Companies Arbitration Act, 1869. Under date 28th January, 1890, the Attorney-General (Sir Richard E. Webster) wrote: "I am of opinion that the clerk's fees in cases of arbitration under the

Railway Companies Arbitration Act, 1869, are not governed by Rule 51 of Order 65, and that in the absence of special arrangements the old rule and practice as to clerk's fees applies."

GEORGE BELOE ELLIS.

Patents, Trade Marks and Designs,
70 and 72, Chancery-lane, London, W.C. 2.
21st September.

[See observations under "Current Topics."—ED. *S.J.*]

The Re-opening of the Courts.

[To the Editor of the Solicitors' Journal and Weekly Reporter.]

Sir,—On Saturday, the 12th of this month, the Courts reopen after the siesta of the Long Vacation, and on that occasion the time-honoured functions and ceremonies—the Lord Chancellor's breakfast, the service at Westminster Abbey, the Red Mass at the Catholic Cathedral, and the procession to the Courts up the Central Hall of the Royal Courts of Justice—will take place.

May I in your columns express the hope that on this occasion an omission "qui saute aux yeux" may be remedied.

It seems inexplicable that, whilst the Judges and the Inner and Outer Bar are represented, the solicitors should be entirely absent. Up to the early Victorian era there might possibly have been some reason for this, but in these days, when the solicitors' branch of the profession has unquestionably become one of far greater importance, and when it includes within its body so many men of great eminence, professionally, politically and socially, such omission becomes an absolute anachronism. The proposed innovation is not one that requires an Act of Parliament to bring into force. All that would be necessary is (I think I am right in so stating) a gracious invitation from the Lord Chancellor and a courteous acceptance from the President of the Law Society and Council.

I sincerely hope, as a member of my branch of the profession, that I may this year see my President and his colleagues of the Council take their fitting place in the procession.

RICHARD KING.

Temple Chambers, Temple-avenue, E.C. 4,
2nd October.

Military Rank and Honours.

[To the Editor of the Solicitors' Journal and Weekly Reporter.]

Sir,—The opinion of many solicitors, I believe, is that the military rank and honours held by barristers and solicitors should appear after their names in the Law List.

I am a senior member of the profession, having been in practice for half a century, so that the matter does not affect me personally, but I am sure that it would be a satisfaction to the older members that the sacrifice and devotion of the younger men should be recognized in the manner I have suggested. A SOLICITOR.

2nd October.

New Orders, &c.

War Orders and Proclamations, &c.

The *London Gazette* of 27th September contains the following:—

1. An Order in Council, dated 27th September, applying the Military Service (Conventions with Allied States) Act, 1917, to Greece and Greek subjects.

2. Admiralty Notice to Mariners relating to:—
   (1) England, South Coast:—
      (a) Falmouth Harbour Approach—Traffic Regulations.
      (b) Penzance Bay—Traffic Regulations; No. 1,087 of 1918, revising various former Notices.
   (2) England, South Coast; Tor Bay Approaches—Traffic Regulations; No. 1,088 of 1918, revising various former Notices.
   (3) England and Wales, South and West Coasts; Portland Bill to Bardsey Island—Traffic Regulations; No. 1,089 of 1918, revising No. 992 of 1918.
   (4) Scotland, East Coast; Firth of Forth—Traffic Regulations; No. 1,101 of 1918, revising No. 963 of 1918.

The *London Gazette* of 1st October contains the following:—

3. An Order in Council, dated 27th September, 1918, extending to the Isle of Man, with adaptations, Regulation 255 (Powers of the Board of Trade) of the Defence of the Realm Regulations.

4. An Order in Council, dated 1st October, further amending the Proclamation, dated 10th May, 1917, and made under Section 8 of the Customs and Inland Revenue Act, 1879, and Section 1 of the Exportation of Arms Act, 1900, and Section 1 of the Customs (Exportation Prohibition) Act, 1914, whereby the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited, as follows:—

That there shall be added to the list of goods marked "c" all goods not already appearing in the list of goods prohibited to all or any destinations in the said Proclamation as already amended, with the following exceptions:—
   (1) Printed matter of all descriptions;
   (2) Personal effects accompanied by their owners.

5. A further Notice that licences under the Non-Ferrous Metal Industry Act, 1918, have been granted to certain companies, firms and individuals. The present list contains twelve names.

A Proclamation

RELATING TO THE IMPORTATION OF CERTAIN ARTICLES INTO THE UNITED KINGDOM.

[Recital of Section forty-three of the Customs Consolidation Act, 1876, &c.]

As from and after the date hereof, subject as hereinafter provided, the importation into the United Kingdom of the following articles is hereby prohibited, viz.:—Cassia lignea; fibre flax seed, for sowing; pimento; spectacles and eyeglasses complete; time-recording instruments of all kinds, and movements and parts thereof; watches and parts thereof.

Provided always, and it is hereby declared, that this prohibition shall not apply to any such goods which are imported under licence given by or on behalf of the Board of Trade, and subject to the provisions and conditions of such licence.

This Proclamation may be cited as the Prohibition of Import (No. 27) Proclamation, 1918.

27th September. [*Gazette*, 27th September.

Order in Council.

NEW DEFENCE OF THE REALM REGULATIONS.

It is hereby ordered, that the following amendments be made in the Defence of the Realm Regulations:—

Utilization of Waste.

1. After Regulation 2E the following regulation shall be inserted:—

"2EE. (1) The Army Council may, with the concurrence of the Admiralty, the Minister of Munitions, the Board of Trade, the Board of Agriculture and Fisheries, the Food Controller, and the Local Government Board, by order—

(a) regulate, prohibit, or give directions with respect to, the collection, preservation, sorting, separation, disposal, treatment, destruction, sale, purchase, delivery, or storage, of waste as defined for the purposes of this regulation or of the order, and may confer

on any local authority such powers as appear necessary for the purpose of giving effect to the order; and

(*b*) authorize any local authority, upon an application by the authority, in any case where refuse is collected by the authority, to utilise any waste as so defined, and for this purpose to provide and use such plant as may be deemed necessary, and to combine upon such terms as may be mutually agreed upon with any other local authority for any purpose authorized in the order in accordance with their powers under this regulation; and

(*c*) define what articles and material are for the purposes of this regulation or any order made thereunder to be regarded as waste.

(2) If any person contravenes or fails to comply with any provision of any order made under this regulation he shall be guilty of a summary offence against these regulations.

(3) The Army Council may make arrangements with any other Government Department for the exercise by that Department on their behalf of the powers of the Army Council under this regulation, and in such cases the Department shall have for such purpose the same powers as are by this regulation conferred on the Army Council, and the Local Government Board may, by arrangement with the Army Council, confer and impose on any local authorities and their officers any powers and duties for the purpose of the exercise of the said powers and duties of the Army Council.

(4) In the application of this regulation to Scotland the Secretary for Scotland shall be substituted for the Board of Agriculture and Fisheries and the Local Government Board.

(5) In the application of this regulation to Ireland the Department of Agriculture and Technical Instruction for Ireland and the Local Government Board for Ireland shall respectively be substituted for the Board of Agriculture and Fisheries and the Local Government Board.

Areas in which the Amendment Act, 1915, is Suspended.

2. Regulation 9AA shall be amended as follows:—

(1) In sub-section (1) the word "and" at the end of paragraph (*c*) shall be omitted, and at the end of paragraph (*d*) there shall be inserted the following words:—

"and

(*e*) the having, keeping or using of a motor cycle by any person, other than a member of His Majesty's Forces or a police constable, without a permit from the competent naval or military authority, or from the chief officer of the police in the district in which the person resides."

(2) In paragraph (*a*) of sub-section (4) there shall be inserted after the words "military arms" wherever those words occur the words "motor cycles."

(3) At the end of paragraph (*c*) of sub-section (4) there shall be inserted the words "or any motor cycle used by or in the possession or custody of any person in contravention of any such order."

Race Meetings.

3. In Regulation 9B (*ante*, p. 785) the words "sanctioned by the Board of Trade in consultation with the Army Council" shall be substituted for the words "sanctioned by the Army Council in consultation with the Board of Trade."

Making Photographs, &c.

4. Regulation 19 shall be amended as follows:—

(1) After the words "making any such representation" the following words shall be inserted:—

"The Admiralty or the Army Council may by order prohibit any person from having in his possession, using, taking, or sending any photographic apparatus on board any vessel, either absolutely or otherwise than in accordance with such conditions as may be specified in the order."

(2) After the words "contravenes the provisions of this regulation" there shall be inserted the words "or of any order made thereunder."

Safety of British Ships.

5. The following regulation shall be substituted for Regulation 37C:—

"37C. With a view to better securing the safety of British ships and the persons on board them, the Admiralty, the Board of Trade or the Shipping Controller may give directions:—

(*a*) that the structure of any British ships shall be altered or modified in such manner as may be specified in the directions;

(*b*) that any such ships shall forthwith be, and continue to be, painted in such manner and fitted with such apparatus, contrivances or appliances as may be so specified;

(*c*) that such apparatus, contrivances, or appliances shall be kept in such a state or condition, and used in such manner as may be so specified;

(*d*) that the crews of such ships shall be properly instructed in the use of such apparatus, contrivances or appliances;

(*e*) that such other precautionary measures as may be so specified shall be adopted in the case of any such ships;

(*f*) that such records of the observance of any of the requirements of the directions shall be kept, and such certificates thereof shall be given, as may be so specified.

If any ship with respect to which any such directions have been given puts to sea from any port in the United Kingdom without complying with the directions, the owner or master of the ship shall be guilty of a summary offence against these regulations, and if the ship is subsequently found at any port of, or in the territorial waters adjacent to, the United Kingdom, the ship may be seized and detained; and if while any such ship is at sea there is a failure to comply with any requirements of the directions which are to be observed whilst at sea, the master of the ship or other responsible officer shall be guilty of a like offence."

27th September. [*Gazette*, 27th September.

Army Council Orders.

ARMS AND AMMUNITION.

NOTICE.

With reference to the Order made by the Army Council on the 16th day of June, 1916 [60 SOLICITORS' JOURNAL, p. 570], applying Defence of the Realm Regulation 30A to Arms and Ammunition specified therein, the Army Council give notice that they hereby permit all persons to

(*a*) buy, sell, or deal in; or

(*b*) offer or invite an offer or propose to buy, sell or deal in; or

(*c*) enter into negotiations for the sale or purchase of or other dealing in

Detonators within Great Britain.

The Army Council desire to call attention to the fact that applications for a permit to deal in detonators involving communications outside Great Britain should be addressed as heretofore, to the Secretary, M.I.6D, War Office, S.W. 1.

1st October. [*Gazette*, 1st October.

THE IMPORTED FLAX (DEALINGS) ORDER, 1918.

1. No person shall purchase or offer to purchase any Dutch Flax or Tow to be imported into the United Kingdom after the date hereof.

2. Save as provided in Clause 1 and in the Russian Flax and Tow No. 1 Order, 1916, the Russian Flax and Tow No. 2 Order, 1916, and the Russian Flax and Tow (Control) Notice, 1917, it shall be lawful for any person not being a consumer of Flax to purchase or offer to purchase any Flax or Tow to be imported into the United Kingdom after the date hereof, provided further that it shall be lawful for any consumer of Flax to purchase any Flax or Tow of the description subject to a permit issued by or on behalf of the Flax Control Board.

3. No person shall without a permit issued by or on behalf of the Flax Control Board sell any Flax or Tow imported or to be imported into the United Kingdom.

4. The Orders indicated in the Schedule hereto annexed are hereby repealed.

5. This Order may be cited as the Imported Flax (Dealings) Order, 1918.

SCHEDULE.

The Linen Yarns (Control) Notice, 1916.
The Linen Yarns (Control) Amendment Notice, 1917.
The Courtrai Flax (Control) Notice, 1917.
The Linen Yarns (Spinning) Order, 1917.

27th September. [*Gazette*, 1st October.

Board of Trade Orders.

THE HAY AND STRAW ORDER. No. 3, 1918.

1. This Order applies to all horses in Great Britain except those mentioned in the first Schedule.

2. No person without the consent in writing of the Controller of Horse Transport shall feed or cause or permit to be fed any long hay to any horse to which this Order applies.

3. No person without such consent as aforesaid shall feed or cause or permit to be fed to any such horses any hay except in accordance with the scale set out in the Second Schedule.

4. No person shall manufacture for sale or sell any mixed chaff containing less than two-thirds of hay, and if required by the purchaser shall give him at the time of sale a written certificate to that effect.

5. No oat-straw or hay shall be used for the purpose of bedding horses or for the purpose of packing.

6. *Records to be kept.*]

9. (*a*) This Order may be cited as the Hay and Straw Order, No. 3, 1918.

(*b*) This Order shall come into force on the first day of October, 1918.

and the Hay and Straw Order No. 2, 1918 [*ante*, p. 706], is hereby revoked as from that day, without prejudice to any proceedings in respect of any previous infringement thereof, and without prejudice to any exemptions granted thereunder.

SCHEDULE I.

Horses excluded from the operation of this Order :—

(*a*) Horses owned by the Army Council, the Admiralty or the Air Board.

(*b*) Horses maintained and used exclusively for agricultural purposes.

(*c*) Stallions used exclusively for stud purposes, brood mares, weaned foals, and yearlings.

SCHEDULE II.

[Maximum daily rations of hay for different classes of horses.]

Straw is not rationed, and any addition to the rations must be in the form of straw.

25th September. [*Gazette*, 27th September.

THE FUEL WOOD ORDER, 1918.

1. In this Order the expression "Fuel wood" means the waste lop and top of felled timber exceeding 2 inches in diameter and any other timber unsuitable for conversion into sawn lumber or pitwood, and waste produced in the conversion of timber at a saw mill or factory.

The expressions "Local Authority," "Local Fuel and Lighting Committee" and "Local Fuel Overseer" have the same meanings as in the Household Fuel and Lighting Order, 1918, and the Household Fuel and Lighting (Scotland) Order, 1918.

2. Where standing timber is or has been felled the person responsible for the felling shall, except as provided in paragraph 23 hereof or unless otherwise permitted or directed in writing by the Controller of Timber Supplies, cause all fuel wood as and when produced by such operation to be collected into stacks at roadside or at some place or places convenient for removal by mechanical or other transport.

A stack shall measure 16 ft. by 4 ft. by 2 ft. or 8 ft. by 4 ft. by 4 ft., and be closely packed.

3. Subject to the provisions of paragraph 23 hereof, every person who fells timber and every person converting such timber at a saw mill or factory shall hold all fuel wood produced at the disposal of the Board of Trade, and shall give notice thereof to the Divisional Officer of the Coal Mines Department of the Board of Trade for the district in which it is lying, and shall, if required, deliver it at roadside or other place of removal mentioned in paragraph 2, or at the saw mill or factory, as the case may be, to the order of such Officer. No such person shall offer fuel wood for sale or otherwise dispose of it before offering it to such Divisional Officer, who shall accept or refuse in writing any fuel wood or part thereof so offered to him within 28 days of the receipt of the offer. The titles and addresses of the Officers and particulars of their districts appear in the Schedule hereto.

4. No person shall sell fuel wood by retail without a licence from a Local Authority, except as provided in paragraph 23 hereof.

6. A licensed retailer shall not sell more than 2 tons of fuel wood to any person for consumption on any premises to which the Household Fuel and Lighting Order, 1918, or the Household Fuel and Lighting (Scotland) Order, 1918, apply during any period of twelve calendar months, except with the consent in writing of the Local Fuel Overseer of the district within which such premises are situate. The said amount may be increased or decreased by notice issued by the Local Authority on behalf of and with the consent of the Controller of Coal Mines.

7. A Local Fuel Overseer may, with the consent of the Controller of Coal Mines, require consumers within his district to take fuel wood in part satisfaction of the allowance of fuel granted to them under the provisions of the Household Fuel and Lighting Order, 1918, or the Household Fuel and Lighting (Scotland) Order, 1918, provided that he shall not require any consumer to take more than one-third part of his allowance in fuel wood, and for this purpose 2 tons or such larger amount as a Local Fuel Overseer, with the consent of the Controller of Coal Mines, may determine shall be deemed the equivalent of a ton of coal.

17. A licensed retailer shall exhibit and keep exhibited in a conspicuous position at every place where he sells fuel wood a notice of the maximum prices in force for the time being or of any less prices at which he is willing to sell. A hawker licensed as a retailer shall exhibit such notice on the vehicle from which he sells fuel wood.

20. *Returns.*]

21. A Local Authority shall in all matters relating to this Order act through the Local Fuel and Lighting Committee and Local Fuel Overseer.

23. *Exceptions.*]

24. The Board of Trade may suspend the operation of this Order within the district of any Local Authority for such times and subject to such conditions (if any) as they may think fit. Notice of suspension shall be given by the Local Authority.

25. All contracts other than contracts with a Government Department or with a Naval or Military Authority for the purchase and sale of fuel wood existing at the date when this Order comes into operation are hereby abrogated.

27. This Order comes into operation on the 1st October, 1918, and applies to Great Britain only.

28. This Order may be cited as the Fuel Wood Order, 1918.

[Schedule of addresses of Divisional Officers to whom all communications are to be sent.]

27th September. [*Gazette*, 1st October.

Board of Agriculture Order.

CORN PRODUCTION ACTS.

1. An Award in an arbitration under Part IV. of the Corn Production Act, 1917, as amended by the Corn Production (Amendment) Act, 1918, shall be in the form set forth in the Schedule hereto or to the like effect.

2. These Rules extend to England and Wales only.

3. The Board hereby certify that on account of urgency these rules should come into immediate operation, and direct that they should operate accordingly as provisional rules.

[Schedule containing Form A (form of award where compensation is claimed) and Form B (form of award where compensation is not claimed).]

10th September. [*Gazette*, 1st October.

Food Orders.

THE BUTTER ORDER, 1918.

NOTICE.

In exercise of the powers reserved to him by Clause 2 of the above Order and of all other powers enabling him in that behalf, the Food Controller hereby prescribes that the maximum price for all Government Butter released on and after the 16th September, 1918, for distribution under the Butter Distribution Scheme shall until further notice be as follows :—

1. On the occasion of a sale of such butter (other than by retail)—

(i) if sold in rolls, bricks, prints or pats of 1 lb. or less, a price at the rate of 2s. 3½d. per lb.;

(ii) in any other case a price at the rate of 2s. 3d. per lb.

These prices are fixed on the basis mentioned in Sub-clause 4 (*b*) of the above Order.

2. On the occasion of a sale by retail a price at the rate of 2s. 6d. per lb., except as mentioned in Sub-clause 6 (*a*) of the above Order.

16th September.

The following Orders have also been issued :—

Order amending the Jam (Prices) No. 2 Order, 1918 (as amended), dated 13th September.

The Oats (Registration of Dealers) (Ireland) Order, 1918, dated 17th September.

Societies.

The Law Society.

BRITISH RED CROSS FUND.

Solicitors' contributions to the Lord Mayor's City of London Appeal for the British Red Cross Society :—

Preliminary List.

	£	s.	d.
R. A. Pinsent, Esq. (President)	105	0	0
W. Arthur Sharpe, Esq. (Vice-President)	52	10	0
Messrs. Parker, Garrett, & Co.	210	0	0
Messrs. Botterell & Roche	210	0	0
Messrs. Thomas Cooper & Co.	105	0	0
Messrs. Stibbard, Gibson, & Co.	105	0	0
R. S. Taylor, Esq.	52	10	0
Messrs. Frere, Cholmeley, & Co.	52	10	0
Messrs. Trower, Still, Parkin, & Keeling	26	5	0
Sir Walter Trower	10	10	0
Messrs. Bridges, Sawtell, & Co.	26	5	0
Alfred Davenport, Esq.	26	5	0
Messrs. Baileys, Shaw, & Gillett	21	0	0
Messrs. Minet, Pering, Smith, & Co.	21	0	0
Messrs. Bull & Bull	10	10	0
Sir Homewood Crawford	10	10	0
Messrs. Steavenson & Couldwell	10	10	0
Messrs. Martineau & Reid	10	10	0
H. Tansley Hall, Esq.	10	10	0
Messrs. Murray, Hutchings, & Co.	10	10	0
Alfred G. Dinn, Esq.	10	10	0
L. M. Hawkins, Esq.	10	10	0
Sir T. H. D. Berridge	10	10	0
Messrs. Lovell, Son, & Pitfield	10	10	0
H. M. Cadman-Jones, Esq.	10	0	0

Re-opening of the Courts.

Service at Westminster Abbey, Saturday, 12th October, 1918.—On the occasion of the re-opening of the Law Courts, a special service will be held at Westminster Abbey, at 11 a.m., which the Lord Chancellor and His Majesty's Judges will attend.

In order to ascertain what space will be required, members of the Junior Bar wishing to be present are requested to send their names to the secretary of the General Council of the Bar, 5, Stone-buildings, Lincoln's-inn, W.C., before 4 p.m. on Friday, 11th October.

Barristers attending the service must wear robes. All should be at the Jerusalem Chamber, Westminster Abbey (Dean's Yard entrance), where robing accommodation will be provided, not later than 10.45 a.m.

Barristers now serving in His Majesty's forces may, if it is more convenient to them, appear at the service in military uniform and not in their robes.

A limited number of seats in the South Transept will be reserved for friends of members of the Bar, to whom one ticket of admission (or if possible two) will be issued on application to the secretary of the General Council of the Bar.

No tickets are required for admission to the North Transept, which is open to the public. FREDERICK SMITH, Attorney-General.

A Reuter's message from Amsterdam, dated 29th September, says: With reference to the unratified Anglo-German war prisoners' agreement, a Berlin telegram says: The German Government rejects the British proposal to alter the agreement and so exclude submarine crews from repatriation, which is unacceptable to the German Government. Germany has asked the Dutch Government to inform the British Government of its readiness to ratify the treaty if the question of the position of Germans in China finds a satisfactory settlement with Great Britain's co-operation.

Trade of the Empire.

STANDARD LAWS AND PRODUCTS.

A meeting, says the *Times*, recently took place between the Prime Ministers of Canada, Australia, New Zealand and Newfoundland, and certain representatives of the Federation of British Industries to discuss questions relating to the standardization of the laws and procedure affecting British trade, and the form of British products (such as machinery, engineering products and building materials) throughout the Empire.

The first subject of discussion was the desirability of establishing throughout the Empire a standard form of the declaration which British manufacturers must make to secure the advantage of preferential Customs rates. A model form of declaration has now been drawn up by the Federation.

The discussion with regard to the standardization of laws and regulations affecting the form of British products disclosed many difficulties, owing to the great diversity of legislation, federal, State, municipal, and otherwise, and the conclusion reached was that though the subject is one of great importance, it can hardly be dealt with as a whole, but can best be approached through the medium of the British Engineering Standards Association and their over-sea committees, whose work is directly affected by the diversity of legislation. The co-operation of the British Standards Association is being invited for the purpose.

Obituary.

Qui ante diem periit,
Sed miles, sed pro patria.

Capt. Robert K. McDermott.

Captain ROBERT KEITH MCDERMOTT, Seaforth Highlanders, killed on 20th September, was the younger son of Mr. Walter McDermott, of the Vale House, Chelsea. He was educated at Charterhouse and Oriel College, Oxford, and was called to the Bar in 1908. He received his commission in August, 1914, and went to France in November, attached to the Cameron Highlanders, later rejoining the Seaforth Highlanders, and proceeding in May, 1916, to Mesopotamia, India and Egypt.

Second Lieutenant Raymond Charles Page.

Second Lieutenant RAYMOND CHARLES PAGE, South Staffordshire Regiment, who died at his residence, Lower-street, Tettenhall, on 24th September, was the eldest son of Mr. Sam Wells Page, Official Receiver of Wolverhampton. He was born in 1877, and was educated at Bradfield College, where he obtained a Foundation Scholarship. Afterwards he was articled to his father, with whom, and his younger brother, Captain H. A. Page, he carried on business in partnership as a solicitor, in Lichfield-street, Wolverhampton. In June, 1916, he enlisted in the R.G.A., and in April, 1917, he received a commission in the King's Own Yorkshire Light Infantry. He was transferred subsequently to the 8th South Staffordshire Regiment, and was in the trenches from October to last February. On 22nd May he was invalided from the service, after a serious operation in hospital, from which he never recovered. He played football and cricket for his school, having been captain of both elevens. On returning to Wolverhampton, he joined the Wolverhampton Cricket Club. He was secretary and vice-captain of the club for many years, and he also played repeatedly for the county. During the period of his business partnership he acted as Deputy Official Receiver to his father. He married in 1911 Anne, daughter of Mr. C. Alex. Pope, of Tettenhall. Lieutenant Page's brother, Captain J. S. Page, was killed on 22nd August last.